

Response to Notice of Non-Compliant Amendment

Applicant: W. Wistar Rhoads et al.

Serial No.: 09/859,692

Filed: May 17, 2001

Docket No.: 10961133-6

Title: SERVICING SYSTEM FOR AN INKJET PRINTHEAD

REMARKS

The following Remarks are made in response to the Notice of Non-Compliant Amendment mailed August 31, 2006.

Claims 1-5, 7-31, 39-45, and 51 are pending in this Reissue application, and are presented for reconsideration and allowance.

Amendments to the Drawings

Accompanying this Amendment are two replacement sheets of drawings incorporating the proposed drawing corrections to FIGS. 7 and 14 and the proposed new FIG. 7B as filed on February 27, 2002 and approved by the Examiner in the Notice mailed August 31, 2006.

Pursuant to 37 CFR 1.173(d), FIGS. 7 and 14 have each been identified as "Amended" and FIG. 7B has been identified as "New". Applicant submits that no new matter has been entered with these replacement sheets of drawings.

Applicant, therefore, respectfully requests that the replacement sheets of drawings be accepted.

Amendments to the Claims

The amendments to the claims of this Reissue application have been objected to by the Examiner as not including brackets and underlining relative to the patent being reissued.

With this Amendment, the amendments to the claims of this Reissue application have been identified with brackets and underlining relative to the patent being reissued. In addition, new claims 27-31, 39-45, and 51 which have been added in this Reissue application have been underlined in their entirety pursuant to 37 CFR 1.173(d).

Applicant, therefore, respectfully requests that the amendments to the claims be accepted.

Oath/Declaration

The Declaration filed May 24, 2002 is deemed improper by the Examiner on the basis that it fails to specifically point out any error because the original claim 2 was amended after the filing of the Declaration.

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In the Office Action mailed June 4, 2002, claims 2-5, 7-10, 13-15, and 51 were objected to by the Examiner because of informalities. More specifically, claims 2-5, 7-10, 13-15, and 51 were objected to on the basis that "said cap" in claim 2 lacks antecedent basis. In the Response filed July 31, 2002, claim 2 was amended in an effort to establish antecedent basis for "said cap."

With this Amendment, Applicant has retracted the proposed amendment to claim 2 as presented in the Response filed July 31, 2002, and has amended claim 2 to change "said cap" to --a cap--. Applicant, therefore, respectfully requests that the objection to claim 2 be reconsidered and withdrawn, and that claims 2-5, 7-10, 13-15, and 51 be allowed.

In addition, with this Amendment, Applicant has amended the preamble of claim 2 in a manner similar to that of claims 11-15 to conform the preamble of claim 2 to that of independent claim 1 and associated dependent claims 3-15. Furthermore, with this Amendment, Applicant has amended claim 2 to change "materials" to --material-- so as to follow proper antecedent basis of "second block of porous material" as recited in claim 1.

Applicant submits that these amendments to claim 2 correct grammar, typographical, and/or editorial errors which are not errors under 35 U.S.C. 251. More specifically, per MPEP 1402,

...an error under 35 U.S.C. 251 *has not been presented* where the correction to the patent is one of spelling, or grammar, or a typographical, editorial or clerical error which does not cause the patent to be deemed wholly or partly inoperative or invalid for the reasons specified in 35 U.S.C. 251. These corrections to a patent do not provide a basis for reissue (although these corrections may also be included in a reissue application, where a 35 U.S.C. 251 error is already present) (emphasis in original).

As the newly presented amendments to claim 2 correct grammar, typographical, and/or editorial errors which are not errors under 35 U.S.C. 251, Applicant submits that a Supplemental Reissue Oath/Declaration need not be filed for this Reissue application. See MPEP 1414.01. Thus, Applicant submits that the previously filed Declaration is sufficient. Applicant, therefore, respectfully requests that the objection to the Oath/Declaration be reconsidered and withdrawn.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-5, 7-31, 39-45, and 51 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Robert D. Wasson at Telephone No. (360) 212-2338, Facsimile No. (360) 212-3060 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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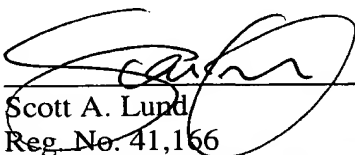
Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2nd day of October, 2006.

By 

Name: Scott A. Lund